THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.22810 OF 2002

Date: 11.07.2007

Between:

Smt. T.Nirmala and another

. . .Petitioners

AND

The Commissioner of Police, Hyderabad and others

. . .Respondents

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.22810 OF 2002

ORDER:

This writ petition is filed for a writ of mandamus to declare the action of respondents in not filing final report in Crime No.123 of 1997 on the file of 21st Metropolitan Magistrate, Nampally, Hyderabad in view of the letter of withdrawal dated 30.12.2001 submitted by the complainant in the criminal case.

The mother of petitioner No.1 and mother-in-law of petitioner No.2 filed a criminal complaint against the petitioners, which was registered as Crime No.123 of 1997 for the offences under Sections 420, 468, 380 and 406 IPC. The said case was taken on file as C.C.No.278 of 2002 on the file of 21st Metropolitan Magistrate, Hyderabad. The grievance of the petitioners is that though the de facto complainant filed a letter of withdrawal of the complaint, the police had not filed a proper report before the jurisdictional Magistrate and as a result of it, the criminal proceedings are being continued against the petitioners.

Inspector of Police, WCO Team-IV, Central Crime Station, Detective Department, Hyderabad filed a counter-affidavit, in which it was stated that a charge sheet filed on 27.12.1997 was returned with certain objections; that the said charge sheet was re-submitted on 27.11.2001 which was again returned; that for the second time, the charge sheet was resubmitted on 23.11.2002 and that the criminal case is pending before 21st Metropolitan Magistrate Court,

Hyderabad. It is further stated that since the police had already filed a charge sheet, they cannot be compelled to file any report as filing of any such report is beyond their powers.

Having considered the pleadings in the case, I am of the view that since the charge sheet has already been filed by the police, it is for the petitioners to approach the Magistrate concerned before whom C.C.No.278 of 2002 is pending with appropriate petition for closing of the case.

Subject to the above observation, the writ petition is disposed of.

C.V.NAGARJUNA REDDY, J

11th July, 2007

kvni